

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**



Ex parte JACK E. CAVENEY

Application No. 10/613,062

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 11, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The Examiner's Answer mailed April 25, 2006 is defective because in paragraph 8 it is stated that "no evidence is relied upon by the examiner." However prior art was applied. Appropriate correction is required. See the Manual of Patent Examining Procedure (MPEP) §1207.02.

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An Information Disclosure Statement (IDS) was filed July 3, 2003. The second page was not located in the Image File Wrapper (IFW). This needs to be corrected to process the appeal.

Accordingly, it is

ORDERED that the application is returned to the Examiner to list the prior art being relied on under the heading Evidence Relied Upon in paragraph 8 in the Examiner's Answer, scan the second page of the July 3, 2003 IDS, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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